



U.S. Department of Justice

United States Attorney
Eastern District of Missouri

Thomas Eagleton U.S. Courthouse
111 S. 10th Street, Rm. 20.333
St. Louis, MO 63102

OFFICE: 314-539-2200
FAX: 314-539-2309

August 27, 2021

N. Scott Rosenblum
Rosenblum, Schwartz & Fry, P.C.
120 S. Central Ave., Suite 130
Clayton, MO 63105

Sent via USA File Exchange

RE: United States v. David Lee Nelson
Cause Number: 4:21 CR 463 RWS / NCC

Dear Mr. Rosenblum:

As you are aware, the Federal Grand Jury indicted your client. In order to assist you in the determination of any relevant pre-trial motions to be filed in this case, please be aware of the following information:

1. Please find enclosed the following, consisting of the PDFs (Nelson_00001 to Nelson_00628) and audio/video file(s) (**please note that there are video recordings of the victims' interviews that may be viewed at the USAO**):

- a. 10.67.0.21-eedaf06e0a430015398e54e8e63bca7d.wav (a recorded jail phone call);
- b. 421MJ [REDACTED] (search warrant and appl);
- c. 21001050 Names Involvements pages for victims and parents_Redacted;
- d. 21001050 Names pages for involvements and suspect_Redacted;
- e. 21001050 Orig Inc Report w known victims_Redacted;
- f. Completed Inv report 21001050 Child Porn_Redacted;
- g. Consent Form Mobile Device;
- h. David Nelson person profile from national;
- i. David Nelson Person Profile;
- j. D [REDACTED], [REDACTED] - Written Statement_Redacted;
- k. Evidence Items Collected From St. Francois County Sheriff's Office;
- l. FD-26_Consent_To_Search_Buick;
- m. FD-597 (Buick);
- n. FD-597_Residence;

- o. F ██████ - Written Statement_Redacted;
- p. Interview of ██████ F ██████ - 18 August 2021_Redacted;
- q. Interview of ██████ F ██████ Redacted;
- r. Interview of ██████ W ██████_Redacted;
- s. Interview of ██████ T ██████_Redacted;
- t. Interview of ██████ W ██████_Redacted;
- u. Interview of ██████ N ██████_Redacted;
- v. Interview of ██████ D ██████_Redacted;
- w. Media Statement;
- x. Micro SD Card Analysis;
- y. Nelson PC Statement;
- z. Nelson, David - scan of revocation letter sent 7.26.21;
- aa. Nelson, David - Written Statement;
- bb. NelsonDavid_DLs;
- cc. NelsonDavid_NCIC;
- dd. Photo of Shower House - Marked Up by Fouts;
- ee. Photos of 2948 ██████;
- ff. Photos of 6970 ██████;
- gg. Photos of 6970 ██████;
- hh. Photos of bathroom - shower area;
- ii. Photos of Cameras;
- jj. Photos of Micro SD Cards;
- kk. Photos of Samsung Galaxy S 5;
- ll. Photos of select pages from notebook;
- mm. Photos provided by F ██████;
- nn. S Bar F Scout Ranch Press Release;
- oo. SbF roads & parking;
- pp. Scouts BSA Record Request (David Nelson);
- qq. Search Warrant Return (21m ██████);
- rr. Search Warrant Return ██████ (21m ██████);
- ss. SIGNED-4 21 MJ ██████ Packet Residential Pittman;
- tt. Suspect Screen Shots from Micro SD Card;
- uu. ██████ G ██████ E-Mail;
- vv. T ██████ - Written Statement_Redacted;
- ww. W ██████ - Written Statement_Redacted;
- xx. W ██████ - Written Statement_Redacted 2;
- yy. W ██████ - Written Statement_Redacted; and
- zz. YP Incident - Gamble Cameras_Redacted

2. DISCOVERY - The Government agrees that you may have free access to all relevant material within the purview of Rule 16, Federal Rules of Criminal Procedure by contacting the below signed. The discovery has been provided to you via USA File Transfer. If you are unable to access the materials, please contact me immediately.

In compliance with federal law, no child pornography has been provided to you. If you wish to view the child pornography evidence or the forensic disks, which may contain

additional reports, please contact me and we will arrange a mutually-agreeable time for you to examine the evidence in the United States Attorney's Office.

3. ELECTRONIC SURVEILLANCE - The Government did not utilize consensual audio and video surveillance in the investigation underlying the charges set forth in the indictment.

4. CONFIDENTIAL INFORMANTS - The Government did not utilize a confidential informant in the course of the investigation of this matter.

5. JENCKS MATERIAL - The Government will make all JENCKS material available no later than the Friday preceding trial, conditioned upon the defendant's agreement to make available statements of defendant's witnesses at the same time.

6. GRAND JURY TRANSCRIPTS - The Government agrees to produce all Grand Jury transcripts to the extent they constitute JENCKS material and make them available for inspection.

7. OTHER CRIMES EVIDENCE - The Government agrees to advise the defendant of its intention to use evidence of other crimes during its case-in-chief. The government agrees to make this disclosure prior to the trial of this cause.

8. STATEMENTS OF DEFENDANT - At this time, other than statements included in the discovery, the Government is not aware of any statements made by defendant to law enforcement. If the Government does intend to utilize verbal statements of the defendant that are contained in the discovery. These statements are provided with the Rule 16 discovery.

9. IDENTIFICATION OF DEFENDANT - The Government is not aware of any post-arrest identification of the defendant.

10. PHYSICAL EVIDENCE - The Government does possess items of physical evidence seized from the defendant or his property at the time of his arrest.

11. FAVORABLE EVIDENCE - The Government agrees to furnish any and all favorable evidence to the defendant if and when its existence becomes known to the Government. At the present time, the Government does not have favorable evidence, other than what may have been provided to you in discovery.

If you need any further specific information regarding the above matters, or any other matters which will prevent the filing and litigation of any unnecessary pretrial motions, please do not hesitate to call me.

In order to avoid the need of filing motions pursuant to Rules 16 and 26, the Government makes the following requests;

Pursuant to Rule 16(b)(1)(A), (B) and (C), Federal Rules of Criminal Procedure, the United States hereby requests that:

A. The defendant provide the United States, or permit the United States to inspect and copy or photograph books, papers, documents, photographs, tangible objects, or copies thereof, which are within the possession, custody or control of the defendant and which the defendant intends to introduce as evidence in chief at trial.

B. The defendant provide the United States, or permit the United States to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to his testimony.

C. The defendant provide the United States a written summary of the testimony that the defendant intends to use under Rules 702, 703, or 705, Federal Rules of Evidence, as evidence in trial, which includes a description of the witnesses' opinions, the bases and reasons for those opinions, and the witnesses' qualifications.

Further, pursuant to the provisions of Rule 26.2 the Government requests the defendant and his attorney to provide to the Government any statements of defense witnesses that are in their possession and that relate to the subject matter concerning which the witnesses have testified.

Pursuant to Rule 12.1, the Government requests that the defendant notify the government of any intended alibi defense; specifically, that the defendant was not present at the time, date and place of the offenses listed in the indictment.

Pursuant to Rule 613(a) of the Federal Rules of Evidence, the government requests that the defense disclose a witness's prior statement to the attorney for the government if the defense plans to examine the witness about the prior statement.

The Government requests a response prior to the hearing date on the motions to establish whether it needs to file its request for a court order to enforce compliance.

I thank you in advance for your anticipated cooperation.

Very truly yours,

SAYLER A. FLEMING
United States Attorney

s/ Robert F. Livergood
ROBERT F. LIVERGOOD
Assistant United States Attorney

cc. Adam Fein, Marc Johnson
Enclosures